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SUBJECT:GREEK AIDE MEMOIRE ON AEGEAN CONTINENTAL SHELF

1. FOLLOWING IS TEXT OF AIDE MEMOIRE "CONCERNING THE
TURKISH CLAIMS ON THE AEGEAN CONTINENTAL SHELF" THAT
GREEK AMBASSADOR ALEXANDRAKIS GAVE MARCH 16 TO ASSISTANT
SECRETARY HARTMAN.

2. BEGIN TEXT.

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-- ON NOVEMBER 1, 1973 AND JULY 18, 1974, THE TURKISH GOVERNMENT, ACTING UNILATERALLY AND WITHOUT ANY PREVIOUS CONSULTATION WITH THE GREEK GOVERNMENT, GRANTED EXPLORATION PERMITS ON THE WEST CONTINENTAL SHELF OF THE GREEK ISLANDS OF THE AEGEAN SEA.

-- THROUGH THOSE UNILATERAL ACTS AND IGNORING GREECE'S MANIFEST PROTEST, TURKEY SOUGHT TO ESTABLISH A BISECTION OF THE CONTINENTAL SHELF OF THE AEGEAN SEA, DEVISING A DELIMITATION WHICH COMPLETELY OVERLOOKS THE INTERPOSITION, BETWEEN HER CONTINENTAL TERRITORIES AND THE SCENE OF HER MARITIME CLAIMS, OF THE GREAT MASSES OF LAND OF WHICH THE GREEK ISLANDS OF THE EASTERN AEGEAN ARE COMPOSED.

-- TURKEY JUSTIFIED HER AFOREMENTIONED ACTS BY PUTTING FORTH A NEW AND UNTENABLE THEORY ACCORDING TO WHICH ISLANDS DO NOT HAVE CONTINENTAL SHELVES, INVOKING AT THE SAME TIME THE PRINCIPLE OF "SPECIAL CIRCUMSTANCES" WHICH, AS TURKEY MAINTAINS, EXIST IN THE AEGEAN SEA.

-- GREECE BASED HER POSITION ON CUSTOMARY LAW AND THE GENEVA CONVENTION OF 1958 (A CODIFICATION OF CUSTOMARY LAW) WHICH SPECIFIES THAT ISLANDS ARE ENTITLED TO CONTINENTAL SHELVES EXACTLY LIKE CONTINENTAL COASTS. SINCE GREEK AND TURKEY ARE NEIGHBORING COUNTRIES AND SOME OF THE GREEK ISLANDS ARE CLOSE TO THE TURKISH COAST, THE ARISING PROBLEM OF DELIMITATION MAY BE SOLVED, THROUGH THE APPLICATION OF THE GENERALLY ACCEPTED, BOTH UNDER CONVENTIONAL AND CUSTOMARY INTERNATIONAL LAW, PRINCIPLE OF MEDIAN LINE BETWEEN THE TWO NATIONAL TERRITORIES. IT IS TO BE NOTED THAT THOUGH TURKEY CLAIMS THAT SHE SIGNED BUT DID NOT RATIFY THE GENEVA CONVENTION, THE 1969 DECISION OF THE INTERNATIONAL COURT OF JUSTICE MAKES THE 1958 CONVENTION POSITIVE LAW, THAT IS APPLICABLE TO ALL COUNTRIES.

-- GREECE, FIRMLY ATTACHED TO THE PRINCIPLES OF THE U.N. CHARTER REGARDING THE PEACEFUL SETTLEMENT OF INTERNATIONAL DIFFERENCES, PROPOSED TO THE TURKISH GOVERNMENT ON JANUARY 27, 1975, THAT THE "DIFFERENCES OVER THE APPLICABLE LAW AS WELL AS OVER THE SUBSTANCE" OF THE DELIMITATION OF THE

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CONTINENTAL SHELF BE REFERRED JOINTLY BY GREECE AND TURKEY TO THE INTERNATIONAL COURT AT THE HAGUE.

-- ON FEBRUARY 6TH, 1975, THE TURKISH GOVERNMENT SPECIFICALLY AGREED TO THE GREEK PROPOSAL AND SUBSEQUENTLY THE FOREIGN MINISTERS OF THE TWO COUNTRIES MET IN ROME ON MAY 17-19 WITH THE STATED PURPOSE OF EXAMINING THE MODALITIES OF SUBMITTING THE QUESTION OF THE CONTINENTAL SHELF

OF THE AEGEAN SEA TO THE INTERNATIONAL COURT OF JUSTICE. MORE SPECIFICALLY THE ONLY MODALITY TO BE EXAMINED WAS THE DRAFTING OF THE TEXT OF THE SPECIAL AGREEMENT (COMPROMIS) DEFINING THE COURT'S TERMS OF REFERENCE. NEVERTHELESS, WHILE THE GREEK SIDE SUBMITTED A DRAFT TEXT OF A COMPROMIS FOR NEGOTIATION, THE TURKISH SIDE STATED THAT THEY WERE NOT READY TO DISCUSS IT, AND SUGGESTED THE POSSIBILITY OF JOINT EXPLOITATION OF CERTAIN UNSPECIFIED AREAS OF THE CONTINENTAL SHELF.

-- THE TWO FOREIGN MINISTERS FINALLY AGREED THAT A COMMITTEE OF EXPERTS WOULD MEET AT THE EARLIEST POSSIBLE DATE TO NEGOTIATE THE SPECIAL AGREEMENT DEFINING THE COURT'S TERMS OF REFERENCE. AT THIS MEETING THE TURKISH IDEAS OF

JOINT VENTURES COULD ALSO BE FURTHER EXPLORED.

-- FURTHER ON, WHEN THE PRIME MINISTERS OF THE TWO COUNTRIES MET IN BRUSSELS ON 31ST MAY 1975, IT WAS AGREED THAT THE ISSUE WOULD FIRST BE FORMALLY SUBMITTED TO THE INTERNATIONAL COURT AND THAT TALKS IN VIEW OF AN EVENTUAL AGREED SOLUTION WERE NOT EXCLUDED TO FOLLOW. UNDER THE BRUSSELS AGREEMENT THE MEETING OF EXPERTS ON THE CONTINENTAL SHELF WAS TO BE ACCELERATED.

-- FOLLOWING REPEATED EFFORTS ON THE PART OF THE GREEK GOVERNMENT SUCH A MEETING WAS SET FOR 25-27 SEPTEMBER 1975 IN PARIS.

-- HOWEVER, THREE DAYS BEFORE THE MEETING, THE TURKISH GOVERNMENT CONTENDED THAT THE CONTINENTAL SHELF PROBLEM DID NOT EXIST BY ITSELF, THAT IT WAS PART OF A WIDER COMPLEX OF PROBLEMS, AND THAT THERE WERE SEVERAL WAYS

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OF SETTLING IT, OF WHICH REFERRING IT TO THE INTERNATIONAL COURT WAS ONLY ONE. IT WAS FURTHER INTIMATED THAT IN ANY EVENT THE TURKISH GOVERNMENT WAS NOT IN A POSITION TO STATE PUBLICLY AT THAT JUNCTURE THAT THE ISSUE OF THE CONTINENTAL SHELF WOULD BE REFERRED TO THE COURT. THUS, THE TURKISH GOVERNMENT, CONTRARY TO WHAT WAS AGREED BOTH IN ROME AND IN BRUSSELS ABOUT THE PRECEDENCE OF THE INITIATION OF COURT PROCEEDINGS OVER POSSIBLE TALKS, REVERSED ITS STAND AND ASKED INSTEAD FOR "MEANINGFUL NEGOTIATIONS."

-- IT IS IMPORTANT TO NOTE HERE THAT, WHILE IN APRIL 1974 MR. ECEVIT, IN HIS CAPACITY AS PRIME MINISTER, DEFINED THE ISSUE AS TECHNICAL AND LEGAL, THE TURKISH GOVERNMENT BY ITS VERBAL NOTE DATED NOVEMBER 18, 1975, UNDERLINED THE VITAL, STRATEGIC, ECONOMIC AND POLITICAL INTERESTS

THAT BOTH COUNTRIES HAVE IN THE AEGEAN SEA, MAKING THUS AN EXPLOSIVE POLITICAL ISSUE OUT OF THIS MATTER, IN A CLEAR EFFORT TO TAKE IT OUT OF ITS LEGAL CONTEXT. IN THE SAME VERBAL NOTE, THE TURKISH GOVERNMENT, IGNORING ITS PREVIOUS AGREEMENT TO REFER THE DISPUTE TO THE INTERNATIONAL COURT OF JUSTICE, REITERATED ITS DESIRE FOR THE CONDUCT OF "MEANINGFULL (SIC) NEGOTIATIONS", FOR EARNESTLY EXPLORING ALL POSSIBILITIES OF AN AGREED EQUITABLE SETTLEMENT, AS WELL AS FOR CONSIDERING (SIC) JOINT SUBMISSION OF UNRESOLVED ISSUES, IF NECESSARY, TO THE INTERNATIONAL COURT OF JUSTICE.

-- EVENTUALLY, DELEGATIONS OF EXPERTS OF THE TWO COUNTRIES MET IN BERN BETWEEN 30TH JANUARY - 2ND FEBRUARY 1976. THE TALKS WHICH WERE HELD, CONFIRMED ONCE AGAIN THE EXISTING

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BASIC DIFFERENCES OF VIEW BETWEEN THE TWO SIDES AS TO THE LEGAL PRINCIPLES WHICH SHOULD APPLY ON THE DELIMITATION OF THE AEGEAN CONTINENTAL SHELF, AND MADE THE NEED TO REFER THE DISPUTE TO THE INTERNATIONAL COURT OF JUSTICE EVEN MORE OBVIOUS AND IMPERATIVE.

-- THE TURKISH DELEGATION, HOWEVER, REFUSED TO COOPERATE IN THE DRAFTING OF THE SPECIAL AGREEMENT DEFINING THE
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COURT'S TERMS OF REFERENCE, ALLEGING THE NEED FOR THE TURKISH GOVERNMENT TO STUDY THE POSITION AND VIEWS OF THE GREEK SIDE.

-- THUS, ANOTHER IMPORTANT CAUSE OF CONTENTION BETWEEN THE TWO COUNTRIES REMAINED UNSETTLED, CLEARLY INDICATING AGAIN A PROCRASTINATING ATTITUDE OF THE TURKISH GOVERNMENT.

MARCH 16, 1976

END TEXT.

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